

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND**

MARK ZAID,

Plaintiff,

v.

UNITED STATES DEPARTMENT OF  
HOMELAND SECURITY,

Defendant.

Case No. 8:22-cv-01602-DKC

**STATUS REPORT AND MOTION FOR AN ORDER ESTABLISHING A  
SUMMARY JUDGMENT BRIEFING SCHEDULE**

Pursuant to the Court’s Paperless Order dated July 16, 2024, ECF No. 44, Defendant and Plaintiff, by and through their respective counsel, submit the following status report and request for an order entering a summary judgment briefing schedule:

1. Plaintiff Mark Zaid filed the above-captioned lawsuit against DHS on or about June 29, 2022, seeking to compel Immigration and Customs Enforcement (“ICE”) and the United States Secret Service (“USSS”) (collectively, the “Involved Agencies”) to disclose records that Plaintiff requested under the Freedom of Information Act, 5 U.S.C. § 522 (“FOIA”). *See* ECF No. 1.

2. On July 5, 2023, the Court entered a Memorandum Opinion and Order, ECF Nos. 32 and 33, granting in part and denying in part Defendant’s motion for summary judgment. The Court entered summary judgment in favor of Defendant with respect to the adequacy of the search by USSS and as to the request for documents related to “hurtcore” addressed to ICE. *See* ECF No. 33 at 2. The Court denied summary judgment “with regard to the search by ICE for other categories of requested documents.” *Id.*

3. On September 8, 2023, the Court held a telephone conference with the parties, during which Defendant anticipated that it would be able to review and produce responsive records by November 17, 2023, and Plaintiff agreed to await the results of ICE's review of potentially responsive records to determine how to proceed. *See* ECF No. 35. On November 17, 2023 and December 29, 2023, ICE released responsive records to Plaintiff.

4. On January 23, 2024, the Court held a status call during which the parties agreed that ICE would provide a *Vaughn* index and declaration regarding the redactions and withholdings in ICE's November 17, 2023 and December 29, 2023 productions to Plaintiff. *See* ECF Nos. 38 and 40.

5. On April 9, 2024, Defendant issued a clawback letter to Plaintiff noting that ICE had determined that many of the previously produced documents should have been withheld under their entirety pursuant to Exemption (b)(7)(A) and issued an amended response letter in lieu of a *Vaughn* index.

6. On April 15, 2024, Plaintiff issued a response letter to Defendant stating that Plaintiff disputes the withholdings but would take no further steps to disseminate or rely on upon the records until the Court has adjudicated the matter.<sup>1</sup>

7. On May 9, 2024, ICE produced to Plaintiff 36 responsive pages with partial withholdings and a *Vaughn* index of the withholdings for those 36 responsive pages. ICE also submitted to the Court for in camera review, a *Vaughn* index and declaration regarding the 893 pages that were withheld in full and 36 pages that were produced with partial withholdings.

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<sup>1</sup> Plaintiff also noted that records had been disseminated to third parties who would not agree to return or destroy the records. Defendant requested that Plaintiff provide the identities of the persons or entities to whom the records were provided. Plaintiff declined. The parties are in dispute as to whether Defendant is required to provide the identities of the third parties.

8. Plaintiff challenges Defendant's withholdings, including the 893 pages that were withheld in full and the 36 pages which were withheld in part. Therefore, the parties request that the Court enter an order setting a summary judgment briefing schedule as follows:

September 30, 2024 – Defendant's Motion for Summary Judgment

October 30, 2024 – Plaintiff's Opposition

November 14, 2024 – Defendant's Reply

A proposed order is attached.

9. Counsel for Defendant provided this status report and proposed summary judgment briefing schedule to counsel for Plaintiff for review and consent prior to filing.

WHEREFORE, the parties request that the Court grant the motion and establish the above summary judgment briefing schedule.

Date: July 30, 2024

Respectfully submitted,

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United States Attorney

/s/  
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*Counsel for Defendant*

**CERTIFICATE OF SERVICE**

I certify that on this 30th day of July 2024, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF System, which will send notice of such filing to all counsel.

/s/

Alicia L. Shelton  
Assistant United States Attorney